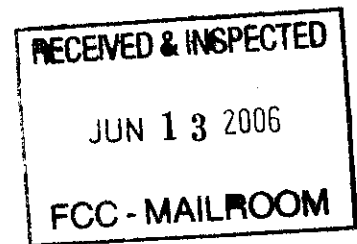


June 7, 2006

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL



As pertains to:

Applicant: Lamar Consolidated ISD

BEN: 141295

Funding Year: 2005

Form 471 Application Number: 459460

FRN: 1276897, 1277142, 1277239, 1277287, 1277698, 1277778, 1277838, 1341980

Funding Commitment Decision: Service Start Date Adjustment for 120-Day 486 Deadline

To Whom It May Concern:

Based on CC Docket No. 96-45, adopted May 13, 1998 and released June 12, 1998 and CC Docket No. 02-6, adopted May 2, 2006 and released May 19, 2006, Lamar Consolidated Independent School District (LCISD) is submitting this request for review regarding the USAC/Schools and Libraries Division (SLD) decision to deny Year 2005 Service Start date adjustment and reduction of the funded commitment amounts for 471 Application number 459460 pertaining to funding request numbers:

- FRN 1276897, representing the request for Phonoscope, LTD
- FRN 1277142, representing the request for Region IV Education Service Center
- FRN 1277239, representing the request for Southwestern Bell Telephone Company
- FRN 1277287, representing the request for Phonoscope, LTD
- FRN 1277698, representing the request for Southwestern Bell Telephone Company
- FRN 1277778, representing the request for Nextel
- FRN 1277838, representing the request for Southwestern Bell Telephone Company
- FRN 1341980, representing the request for Southwestern Bell Telephone Company

The Form 486 Notification Letter noted that the service start date for the FRNs had been changed to September 13, 2005 and the funding commitment amounts had been adjusted, indicating the rationale for these changes as "120-day 486 deadline". This funding adjustment places funding in the amount of \$56,523.52 in jeopardy for Priority I services which include basic internet services, local and long distance telephone, cellular service, and gigabit circuits. These services are essential to the daily operation of the school district.

1. Form 486 submitted online on December 19, 2005, per Form 486 Instructions
 - Per USAC/SLD Form 486 Instructions dated August 2003 – "You are Encouraged to file and certify – if you have a User ID and PIN – your Form 486 online at www.sl.universalservice.org. The online system is designed to help you file successfully, and using the online system will ensure that your Form 486 meets Minimum Processing Standards and is data entered into our system correctly."
2. USAC/SLD website conversion to new format during the week of December 19, 2005
3. School Holiday vacation December 19, 2005 – January 2, 2006
 - Due to the school district's closure for the Holiday break, the School Administrator did not attempt to certify the Form 486 until returning from vacation. This type of Holiday break is typical of school districts all over the United States.
4. Form 486 certification attempted by School Administrator on January 6, 2006

No. of Copies rec'd _____
List ABCDE _____

5. Form not found in system
 - USAC's redesign of the website during the week of December 19, 2005 may have led to a loss of data which led to the Form 486 not being found in the system.
6. No Form 486 Notification Letter Received by School Administrator
 - During the school district's Holiday break, mail delivery was suspended. Any correspondence from USAC/SLD would not have been received until the district re-opened on January 3, 2006.
7. SLD CSB case number 21-356947 logged on January 10, 2006 to inquire about Form 486 Notification Letter – could not access previous Form 486. Case agent suggested that the Form 486 be resubmitted.
8. Form 486 re-entered online January 10, 2006
9. Form 486 certified online January 11, 2006 by School Administrator

In FCC Order DA 06-244 dated February 1, 2006, the FCC found that "...the E-rate program is fraught with complexity from the perspective of beneficiaries, resulting in a significant number of applications for E-rate support being denied for ministerial or clerical errors." The order additionally states "Although processing standards are necessary for the efficient administration of the program, strict adherence to such application procedures in this case would result in an outcome conflicting with the statutory goal mandated by Congress of preserving and advancing universal service among schools and libraries most in need of support. As we consider fundamental reform to the schools and libraries universal service mechanism, the public interest and goals of section 254(h) of the Act are best served by waiving our rules pertaining to Glendale's failure to insert the correct service start date on its FCC Form 486."

Although the Glendale decision was based on a different Form 486 situation, we feel that the problem is fundamentally the same.

We respectfully ask the FCC to reconsider the decision by USAC to change the effective Service Start Date, and decrease in funding commitment amounts based upon the FCC Form 486 receipt date for the eight FRNs represented in this appeal. Due to unforeseen events, including various updates to the USAC Website, the closure of the school district for Holiday vacation and subsequent non-delivery of regular mail, the failure to receive a timely Form 486 Notification Letter, and the issuance and mailing of new PINs for 2006, we believe we have been subject to the application of Program Rules which should be reconsidered in this instance. Please contact us for any further information you may require.

Contact Name: Candace Jensen
Address: The Origin Group
2437 Bay Area Blvd., #370
Telephone: 713-416-3251
Fax: 281-554-3186
Contact e-mail: cjensen@theorigingroup.net

Sincerely,



Steve Hickman
Director of Technology
Lamar Consolidated ISD
832-223-0200
hickmans@lcisd.org

Attachment – Copy of Form 486 Notification Letter dated January 25, 2006



Universal Service Administrative Company
Schools & Libraries Division

FORM 486 NOTIFICATION LETTER
(Funding Year 2005: 07/01/2005 - 06/30/2006)

January 25, 2006

LAMAR CONS INDEP SCHOOL DIST
Vince Lapetino
930 East Stadium Drive
ROSENBERG, TX 77471

Re: Form 486 Application Number: 330036
Applicant's Form 486 Identifier: 459460-1

This letter is to notify you that the Schools and Libraries Division (SLD) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on the affected Funding Request Number(s) (FRN).

NEXT STEPS

- Work with your service provider to establish discounts (SPI) or reimbursements (BEAR)
- Invoice the SLD -
 - applicant invoice is BEAR Form for reimbursements
 - service provider invoice is SPI Form for discounts
- Pay non-discount portion, as stated in program rules
- Maintain ALL documentation, as stated in program rules

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

NOTICE ON SERVICE START DATE

There may be some situations where one or more Service Start Dates as reflected on this letter have been changed from what you indicated on the Form 486. Such changes are made by the SLD to be in compliance with program rules. You will know that a change has been made if there is an asterisk next to the Service Start Date. If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of the discounts only on eligible, approved products and/or services actually delivered and installed on or after the Service Start Date indicated on this letter.

TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which ERN Service Start Date change or Funding Commitment adjustment you are appealing. Indicate the relevant funding year and the date of this Form 486 Notification Letter. Your letter of appeal must also include the relevant Funding Request Number(s), the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from your Form 486.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

A GUIDE TO THE FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT

A report for each FRN for which you have notified us of a Service Start Date is attached to this letter. We are providing the following definitions for the items in that report.

Funding Request Number (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

Form 471 Application Number: A unique identifier assigned to a Form 471 application by the SLD.

Service Provider Name: The name of the service provider that you identified as providing the service included in this FRN.

Service Provider Identification Number: The unique number assigned by USAC to the service provider you identified as providing the service included in this FRN.

Billing Account Number: The account number that you have established with your service provider for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

Service Start Date: The Service Start Date (SSD) as indicated on the Form 486. If this date is marked with an asterisk, it was changed by the SLD to be in compliance with program rules and an explanation for the change has been provided. This date as shown is controlling and USAC will not reimburse discounts on products and/or services delivered or installed prior to this date.

Service Start Date Change Explanation (SHOWN ONLY IF RELEVANT): If the Service Start Date is marked with an asterisk, this field will explain why the SLD changed the date. One of the following explanations may appear:

AVSCD: The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVSCD) from the Form 470 cited for this FRN on the Form 471. If you indicated an earlier SSD on the Form 486, the SLD changed the SSD to the AVSCD.

120-DAY 486 DEADLINE: Forms 486 must be postmarked no later than 120 days after the start of services or no later than 120 days after the date of the FCDL, whichever is later. If the Form 486 is postmarked after the later of those two dates, the SLD changed the SSD to the date 120 days before the Form 486 postmark date. That date will become the start date for discounted services. You are advised to keep proof of the date of mailing of your form(s).

Adjusted Funding Commitment (SHOWN ONLY IF RELEVANT): If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. This field will only appear if there is a reduction to the funding commitment amount.

FORM 486 NOTIFICATION LETTER
FUNDING COMMITMENT REPORT
(Funding Year 2005)

Funding Request Number: 1276897
Form 471 Application Number: 459460
Service Provider Name: Phonoscope, LTD
Service Provider Identification Number: 143008740
Billing Account Number: N/A
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$3,250.00

Funding Request Number: 1277142
Form 471 Application Number: 459460
Service Provider Name: Region IV Education Service Center
Service Provider Identification Number: 143010831
Billing Account Number: N/A
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE

Funding Request Number: 1277239
Form 471 Application Number: 459460
Service Provider Name: Southwestern Bell Telephone Company
Service Provider Identification Number: 143004662
Billing Account Number: N/A
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$6,465.74

Funding Request Number: 1277287
Form 471 Application Number: 459460
Service Provider Name: Phonoscope, LTD
Service Provider Identification Number: 143008740
Billing Account Number: N/A
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$13,000.00

Funding Request Number: 1277698
Form 471 Application Number: 459460
Service Provider Name: Southwestern Bell Telephone Company
Service Provider Identification Number: 143004662
Billing Account Number: 713-A19-0003-546-3
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$169,913.32

FORM 486 NOTIFICATION LETTER
FUNDING COMMITMENT REPORT
(Funding Year 2005)

Funding Request Number: 1277778
Form 471 Application Number: 459460
Service Provider Name: Nextel
Service Provider Identification Number: 143000889
Billing Account Number: N/A
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$26,000.00

Funding Request Number: 1277838
Form 471 Application Number: 459460
Service Provider Name: Southwestern Bell Telephone Company
Service Provider Identification Number: 143004662
Billing Account Number: N/A
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$44,603.00

Funding Request Number: 1341980
Form 471 Application Number: 459460
Service Provider Name: Southwestern Bell Telephone Company
Service Provider Identification Number: 143004662
Billing Account Number: N/A
Service Start Date: 09/13/2005*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Adjusted Funding Commitment: \$5,365.45

IMPORTANT REMINDERS & DEADLINES

Date: January 25, 2006
Form 486 App No: 330036
Form 486 App ID: 459460-1

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

PROGRAM COMPLIANCE - Although this Form 486 has been fully data entered, the SLD will continue to review the compliance status of this Form 486, of each entity represented, and of each FRN listed. If the SLD discovers that the reported CIPA compliance status for an entity is not valid or that a required technology plan has not been approved by an SLD certified Technology Plan Approver, invoices featuring the affected FRNs will not be processed. Please refer to the SLD web site for complete information.

FORM 473 - Invoices received by the SLD will not be paid unless the SLD has an FCC Form 473, Service Provider Annual Certification (SPAC), on file for the funding year associated with the invoice.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and/or services have been delivered and billed, and (for BEAR Forms) the provider has been paid. Once established, the selected invoicing method - Forms 474 (SPIs) or Forms 472 (BEARs) - must be used for the entire Funding Year.

REVIEW OF INVOICES FOR COMPLIANCE WITH PROGRAM RULES - Once an invoice is in the SLD system, it is reviewed - electronically and, in some cases, manually - for compliance with program rules. This review may include requests from our Program Integrity Assurance team to provide information in support of the invoice. Processing of invoices can take up to 90 days, although usually less.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

"FREE" INELIGIBLE SERVICES - Applicants and service providers are prohibited from using approved discounts to subsidize ineligible or unrequested products and services. Please see the "Free Services Advisory" posted in the Reference Area of the SLD web site.

RETAIN DOCUMENTATION - Applicants and service providers must retain documentation including, but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

These documents must be retained and available for review for five years.

Complete program information is posted to the Schools and Libraries Division (SLD) web site at www.sl.universalservice.org. Information is also available by contacting the SLD Client Service Bureau by e-mail at question@universalservice.org, by fax at 1-888-276-8736, or by phone at 1-888-203-8100.

and convenience. Service must be marked on airbill.

emp# 024676 12JUN06

TRK# 8566 0817 7197

20743

-MD-US

STANDARD OVERNIGHT

RECEIVED & INSPECTED TUE
Deliver By: 13 JUN 06 A2
FORM 0215 JUN 13 2006
BWI
NEX-C-BOA

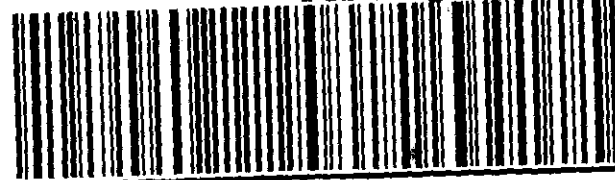
25

52

FedEx US Airbill
Express

FedEx Tracking Number

8566



ent's Copy

1 From This portion can be removed for Recipient's records.

Date 6/13/06 FedEx Tracking Number 856608177197

Sender's Name Strove, Shalvian Phone 832 223-0000

Company LAMAR CONSOLIDATED INDEP SCH

Address 3911 AVENUE E

City ROSENBERG State TX ZIP 77471-3901

RECIPIENT: PEEL HERE

2 Your Internal Billing Reference

3 To

Recipient's Name Lamar Consolidated Independent School District Phone

Company Lamar Consolidated Independent School District

Recipient's Address 1000 West Hampton Parkway

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address

To request a package be held at a specific FedEx location, print FedEx address here.

City ROSENBERG State TX ZIP 77471-3901



8566 0817 7197

☐ FedEx Priority Overnight

Next business morning. *Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx Standard Overnight

Next business afternoon. *Saturday Delivery NOT available.

☐ FedEx First Overnight

Earliest next business morning. *Saturday Delivery NOT available.

☐ FedEx 2Day

Second business day. *This shipment will be delivered unless SATURDAY Delivery is selected.

☐ FedEx 1Day Freight*

Next business day. *Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

4b Express Freight

☐ FedEx 1Day Freight*

Next business day. *Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

* Call for Confirmation.

5 Packaging

☒ FedEx Envelope*

☐ Other

6 Special Handling

☐ SATURDAY Delivery

Not available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express, or FedEx 2Day Freight.

Does this shipment contain:

One box must be checked.

☐ No ☐ Yes

As per attached Shipper's Declaration.

☐ Yes

Shipper's Declaration not required.

☐ Dry Ice

Dry Ice 9 UN 1845

☐ Cargo Aircraft Only

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging.

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

☒ Sender

Acct. No. in Section I will be billed.

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Cash/Check

☐ Obtain Recip. Acct. No.

Total Packages

1

Total Weight

0.330281805

Total Charges

Credit Card Auth.

8 NEW Residential Delivery Signature Options

If you require a signature, check Direct or Indirect.

☐ No Signature Required

Package may be left without obtaining a signature for delivery.

☐ Direct Signature

Anyone at recipient's address may sign for delivery. Fee applies.

☐ Indirect Signature

If no one is available at recipient's address, anyone at a neighboring address may sign for delivery. Fee applies.

519

Rev. Date 6/05/04 P136279-01894-2006 FedEx PRINTED IN U.S.A. -SRS

©2000 Federal Express Corporation

155476
155475
155475F25
155475F50
REV 08/04 RT

Recycled Paperboard
MINIMUM 35% POST CONSUMER CONTENT